

Notice of Allowability

Application No.

09/743,674

Examiner

S. Devi, Ph.D.

Applicant(s)

ALA'ALDEEN ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/28/04.
2. ☒ The allowed claim(s) ~~is~~ are 67 and 85, now renumbered as claims 1 and 2 respectively.
3. ☒ The drawings filed on 10 January 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Attachment.

ATTACHMENT TO NOTICE OF ALLOWABILITY

Applicants' Amendment

1) Acknowledgment is made of Applicants' amendment filed 06/28/04 in response to the non-final Office Action mailed 01/28/04. With this, Applicants have amended the specification.

Examiner's Amendment

2) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The authorization for this Examiner's amendment was provided by Mr. Michael Miller in a telephone interview on 15 September 2004. This application has been amended as indicated below:

(a) Claims 1-66 and 68-84 have been canceled.

(b) Claim 67 has been amended as shown below:

--Claim 67. (Currently amended) An isolated T cell-stimulating meningococcal polypeptide comprising the amino acid sequence of SEQ ID NO: 2.--

(c) New claim 85 has been added as shown below.

--Claim 85. (New). A composition comprising the polypeptide of claim 67.--

Status of Claims

3) Claims 67 and 69 have been amended via the amendment filed 06/28/04.
New claims 80-84 have been added via the amendment filed 06/28/04.
Claims 1-66 and 68-84 have been canceled via this Examiner's amendment.
New claim 85 has been added via this Examiner's amendment.
Claims 67 and 85 are pending and are under examination.

Objection(s) Withdrawn

4) The objection to the specification made in paragraphs 7(I) through 7(v) of the Office Action mailed 01/28/04 is withdrawn in light of Applicants' amendments to the specification.

5) The objection to claims 67 and 69 made in paragraph 16 of the Office Action mailed 01/28/04 is withdrawn in light of Applicants' amendments to the claims.

Rejection(s) Moot

- 6) The rejection of claim 69 made in paragraph 10 of the Office Action mailed 01/28/04 under 35 U.S.C. § 112, first paragraph, as containing inadequate written description, is moot in light of the cancellation of the claim.
- 7) The rejection of claim 69 made in paragraph 11 of the Office Action mailed 01/28/04 under 35 U.S.C. § 112, first paragraph, as being non-enabled with regard to the scope, is moot in light of the cancellation of the claim.
- 8) The rejection of claim 69 made in paragraph 13 of the Office Action mailed 01/28/04 under 35 U.S.C. § 112, second paragraph, as being indefinite, is moot in light of the cancellation of the claim.
- 9) The rejections of claim 69 made in paragraph 15 of the Office Action mailed 01/28/04 under 35 U.S.C. § 102(b) as being anticipated by Seid *et al.* (WO 90/06696), is moot in light of the cancellation of the claim.

Rejection(s) Withdrawn

- 10) The rejection of claim 67 made in paragraph 9 of the Office Action mailed 01/28/04 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, is withdrawn in light of the amendments to the claim made via this Examiner's amendment.
- 11) The rejection of claim 67 in paragraph 10 of the Office Action mailed 01/28/04 under 35 U.S.C. § 112, first paragraph, as containing inadequate written description, is withdrawn in light of the amendments to the claim.
- 12) The rejection of claim 67 made in paragraph 11 of the Office Action mailed 01/28/04 under 35 U.S.C. § 112, first paragraph, as being non-enabled with regard to the scope, is withdrawn in light of the amendments to the claim.
- 13) The rejection of claim 67 made in paragraph 13 of the Office Action mailed 01/28/04 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of the amendments to the claim.
- 14) The rejection of claim 67 made in paragraph 15 of the Office Action mailed 01/28/04 under 35 U.S.C. § 102(b) as being anticipated by Seid *et al.* (WO 90/06696), is withdrawn in light of

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Applicants' amendments to the claim.

Remarks

15) Claims 67 and 85, now renumbered as claims 1 and respectively, are allowed.

The descriptive support for the new claim 85 is found on page 8 of the instant specification.

16) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform with the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The RightFax number for submission of amendments, responses or papers is (703) 872-9306.

17) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.Mov>. Should you have questions on access to the Private PAA system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

18) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

September, 2004


S. DEVI, PH.D.
PRIMARY EXAMINER